

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, ex rel.	:	
ANTHONY R. SPAY,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	NO. 09-4672
	:	
CVS CAREMARK CORPORATION;	:	
CAREMARK Rx, LLC (f/k/a CAREMARK	:	
Rx, Inc.); CAREMARK, LLC (f/k/a	:	
CAREMARK, INC.); SILVERSCRIPT, LLC	:	
(f/k/a SILVERSCRIPT INC.),	:	
	:	
Defendants.	:	

MEMORANDUM

AND NOW, this 22nd day of *September*, 2015, upon consideration of **(1)** the Motion for Summary Judgment by Defendants CVS Caremark Corporation, Caremark Rx, LLC (f/k/a Caremark Rx, Inc.); Caremark, LLC (f/k/a Caremark, Inc.), and Silverscript, LLC (f/ka SilverScript Inc.) (collectively “Defendants”) (Docket Nos. 181, 182), the Response of Plaintiff Anthony R. Spay (Docket No. 193), Defendants’ Reply Brief (Docket No. 201); and Plaintiff’s Sur-reply Brief (Docket No. 207); **(2)** Plaintiff’s Motion for Partial Summary Judgment (Docket No. 177); Defendants’ Response (Docket No. 191); Plaintiff’s Reply Brief (Docket No. 198); and Defendants’ Sur-reply Brief (Docket No. 211); **(3)** Plaintiff’s Motion to Strike Defendants’ Exhibit 126 (Declaration of Beth Brinati) (Docket No. 197) and Defendants’ Response (Docket No. 206); and **(4)** Defendants’ Motion for Oral Argument (Docket No. 214) and Plaintiff’s Response (Docket No. 215), together with the parties’ numerous statements of facts, responses

and objections to statements of facts, declarations, and exhibits, it is hereby **ORDERED** as follows:

1. Defendants' Motion for Summary Judgment (Docket Nos. 181 & 182) is **GRANTED** in its entirety. **JUDGMENT IS ENTERED** in favor of Defendants and against Plaintiff on the entirety of the Complaint.
2. Plaintiff's Motion for Partial Summary Judgment (Docket No. 177) is **DENIED**.
3. Plaintiff's Motion to Strike Defendants' Exhibit 126 (Docket No. 197) is **DENIED AS MOOT**.¹
4. Defendants' Motion for Oral Argument (Docket No. 214) is **DENIED**.

This case shall be marked **CLOSED**.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.

¹ The Court did not cite to or rely on this exhibit when ruling on the summary judgment motions. Accordingly, a ruling on the Motion to Strike is unnecessary.